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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,761	11/30/2001	Yusuke Ishii	18310-06404	2988

758 7590 08/02/2004

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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/010,761	<b>Applicant(s)</b> ISHII ET AL.	
	<b>Examiner</b> Tadesse Hailu	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-18, 20-25, 27-31, 33-38, 40-43, 45-50 and 52 is/are rejected.
- 7) ☒ Claim(s) 6, 14, 19, 26, 32, 39, 44 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is in response to the patent application number 10/010,761 filed November 30, 2001.

#### *Information Disclosure Statement*

2. One of the references submitted on April 15, 2002, "Studio 7 Database, Pinnacle Systems, Inc" is not considered because it is not in conformance with MPEP § 609, the date of publication is missing.

#### **Status of the claims**

3. The currently pending claims 1 through 52 are examined herein as follows.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-13, 15-18, 20-25, 27-31, 33-38, 40-43, 45-50, and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman et al (US Pat No 6,154,600).

The **Present invention** is related to video editing system. Likewise, **Newman** is also related to a non-linear media editing system.

With respect to claims 1, 16, 28, and 41:

Newman discloses a non-linear editor 200 including a media editor 210 (FIG. 5), wherein the media editor further includes a graphical user interface (Figs. 9 through 12) for operating the non-linear editing system (column 13, lines 37-41). Newman further

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discloses that one of the pluralities of operation/manipulation done by the graphical user interface (the media editor) is applying at least one of a set of effects to at least one source clip (see Figs. 9 through 12).

Newman further discloses **a storyboard 446** (e.g. Fig. 10) ("**a first screen area**") for displaying a storyboard comprising at least one source clip (e.g. clip 410 and among other clips). Newman further discloses that the storyboard 446 includes among other things a plurality of effect applied areas ("zones") across or between each clips, for example, a plurality of transition effect are shown displayed between the displayed clips (column 15, lines 3-35, Figs. 10 and 11). Newman also discloses that each effect-applied areas ("zones") are selectable or replaceable by another effect (column 16, lines 4-20, Fig. 11).

Newman also discloses **a second screen area** (see Figs. 9 through 12, left side of display window 408), wherein the second area includes a plurality of tabs 402 for displaying a sub set of the set of effects, (column 14, lines 40-51, column 15, lines 35, column 16, lines 4-20). Newman also discloses that selecting one of the effect applied areas ("zones") will display a subset of the set of audio, video, graphic and effects, the subset (represented by a tab) including at least one effect applicable to the selected effect applied areas ("zones") (column 16, lines 4-44, Figs. 11 and 12, see also the area "zone" pointed by the arrow in the storyboard 446).

Newman further discloses **a remote control 124** ("**an effect selector**") (Fig. 3). The remote control incorporates pointing device, keyboard, etc for manipulating the graphical user interface (media editor) and accepting a user selection of an effect

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(column 14, lines 65-column 15, lines 2, Figs. 9 through 12) from the displayed subset (one of the tabs) for application to the selected effect applied area ("zone") (column 16, lines 4-44, Figs. 11 and 12, see also the area "zone" pointed by the arrow in the storyboard 446).

With respect to claim 2:

As described above, Newman's graphical user interface (Figs. 9 through 12) comprises storyboard 446 (e.g. Fig. 10) ("a first screen area").

With respect to claims 3, and 17:

As described above, Newman's graphical user interface (Figs. 9 through 12) which comprises the second screen area (see Figs. 9 through 12, left side of display window 408), wherein the second area further includes a plurality of tabs 402 for displaying a subset of the set of video, graphic, audio and effects icons/lists (column 15, lines 3-35, column 16, lines 4-20).

With respect to claims 4 and 42:

As given reason for the rejection of claim 3, Newman's graphical user interface (Figs. 9 through 12) which comprises the second screen area (see Figs. 9 through 12, left side of display window 408), wherein the second area further includes a plurality of tabs 402 for displaying a subset of the set of video, text, graphic (still), audio and effects icons representations (column 14, lines 40-51, column 15, lines 3-35).

With respect to claims 5, 18, 31, and 43:

Newman discloses, among other effects, animation effects (column 3, lines 45-67).

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With respect to claims 7, 21, 34, and 46:

Newman's graphical user interface (e.g. Fig. 9, #400) comprises a **display window 408** (e.g. Fig. 9) ("**a third screen area**"), for outputting a result of application of an effect to at one source clip (column 14, lines 40-51, column 15, lines 3-35).

With respect to claim 8:

Newman's display window 408 ("the third screen area") comprises a preview window to display an image from a clip referenced by a selected icon (column 14, lines 40-51, column 15, lines 3-35).

With respect to claims 9, 22, 35, and 47:

Newman's graphical user interface further includes that each source clip comprises a video clip, and wherein each effect comprises a video effect (column 14, lines 28-33, 40-64, Fig. 9).

With respect to claims 10, 23, 36, and 48:

Newman's graphical user interface further includes that each source clip comprises an audio clip, and wherein each effect comprises an audio effect (column 13, lines 65-67, column 15, lines 36-46).

With respect to claims 11, 24, 37, and 49:

Newman's graphical user interface further includes that each source clip comprises an image, and wherein each effect comprises an image effect (column 14, lines 15-39, Fig. 9).

With respect to claim 12:

Newman's remote control 124 ("effect selector") further comprises a user-controlled cursor 134 (Fig. 3, column 14, lines 65-67).

With respect to claims 13, 25, 38, and 50:

Newman further discloses that each of at least a subset of the effect-applied area ("zone") is of predetermined transition effect, such as predefined length or duration (column 15, lines 36-column 16, lines 20). As illustrated in Fig.11, user drags an effect and drops into the zone within the storyboard, user further can edit the dropped effect. For example, modifying the duration/length of the effect (column 17, lines 5-18).

With respect to claims 15, 27, 40, and 52:

Newman discloses that the user interface (e.g. Fig. 11) further includes a transition zone occurring across a boundary between two source clips (column 16, lines 4-20, Fig. 11).

With respect to claim 20:

As illustrated in Fig. 11, the selected effect (transition effect) is applied the selected area or ("zone") (also column 16, lines 4-20).

With regard to claim 29:

As illustrated in Fig. 11, Newman further discloses that the storyboard display 466 and the effects (e.g. transition effect 476) display are provided on a common display screen (Fig. 11. column 16, lines 4-20).

With regard to claim 30:



As illustrated in Fig. 11, Newman further discloses that the effects display 466 presents a plurality of icons (see the icons in 466), each icon representing an effect (Fig. 11. column 16, lines 4-20).

With regard to claim 33:

As illustrated in Fig.11, Newman further discloses an effects module (e.g. transition effect 472), coupled to the effects display (see the display where the transition effect icons are displayed), for applying at least one selected effect to at least one selected zone (Fig. 11. column 16, lines 4-20).

With regard to claim 45:

As illustrated in Fig.11, Newman further discloses applying the selected effect (e.g. transition effect 476) to the selected area ("zone") (Fig. 11. column 16, lines 4-20).

#### **Allowable subject matter**

5. Claims 6, 14, 19, 26, 32, 39, 44, and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While Newman's non-linear editing system 100 (FIG. 1) includes selected default transitions between each pair of clips automatically (column 14, lines 15-17), but Newman does not disclose that each of at least a subset of the effect applied area ("zone") is automatically defined based on source clip content (of claims 14, 26, 39, and 51). Newman further fails to disclose, "the subset of the set of effects omits effects that are inapplicable to the selected zone"(of claims 6, 19, 32, and 44).

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Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

July 26, 2004

A handwritten signature in black ink, appearing to read "Tadesse Hailu", is written over the typed name.